IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

WP(C).No. 16076 of 2005(L)

PETITIONER:

P.D.THOMAS, AGED 53, S/O.DEVASSY,
PUTHENPURACKAL HOUSE, KANOOR P.O
NEAR SOUTH BAZAR, ALUVA TALUK.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
   VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER, APTS (H)
   K.S.E.B. VIGILENCE WING, VYDYUTHI BHAVAN,
   THIRUVANANTHAPURAM 4.

3. THE ASSISTANT ENGINEER,
   ELECTRICAL SECTION, PERUMBAVOOR.

BY SRI JOSE J. MATHEIKAL, SC, KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2006, ALONG WITH WPC NO. 16109 OF 2005,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.NO.14877/2006 IN WPC.NO.16076/2005

DISMISSED

14/12/2006 Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE NOTICE NO.ES/APTS/2003-04 DTD. 30/10/2003.

EXT.P2 TRUE COPY OF INVOICE BEARING NO.98062 DTD. 30/10/2003.

EXT.P3 TRUE COPY OF RECEIPT NO.239 OF BOOK NO.1040 DTD. 31/10/2003.

EXT.P4 TRUE COPY OF ORDER NO.APTS/BV/4797/03/EKM/506 DTD. 23/4/2005.

EXT.P5 TRUE COPY OF NOTICE ISSUED BY 3RD RESPONDENT BEARING NO.ES/APTS/2003-04 DTD. 10/5/2005.

EXT.P6 TRUE COPY OF INVOICE BEARING NO.53786 DTD. 10/5/2005.

P.R.RAMAN, J.

W.P.(C).NO.16076 & 16109 OF 2005

Dated this the 14th day of December, 2006

JUDGMENT

The prayer made in these writ petitions is call for the records leading to Exts.P4 and P6 and quash the same. The learned counsel for the petitioner while arguing the matter submitted that he is not pressing the relief as against Ext.P4. However, he submits that while issuing the revised demand pursuant to Ext.P4 by Ext.P6 certain obvious mistakes have crept in. According to him, though penal charges are determined at three times for fixed charges, current charges and duty, they have deducted the amounts remitted on 9/2003 and 10/2003. In W.P.(C).No.16109/2005 also the contentions are similar. But in this case they have deducted the amounts remitted on 8/2003, 9/2003 and 10/2003./ According to him,

whatever consumed, recorded and paid cannot be again taken for calculation of the penal charges.

2. The learned Standing Counsel for the K.S.E. Board submits that if there is any such mistake, the petitioner can file an appropriate representation before the 3rd respondent, whereupon the same will be considered and appropriate orders will be passed thereon.

3. In the result, these writ petitions are disposed of with the following directions:

If a representation is made as against Ext.P6 by the petitioners before the 3rd respondent within a period of one month, the same shall be considered and disposed of by the 3rd respondent after affording an opportunity of being heard to the petitioners and communicate the order to the petitioners.

The interim stay granted by this Court will continue till then.

P.R.RAMAN,
JUDGE.

kcv.